

REMARKS

Claims 1-18 remain pending. Applicants respectfully request reconsideration of these claims in light of the following remarks.

Claims 1-7, 10-15, 17, and 18 stand rejected under 35 USC 103(a) as being unpatentable over Ueda, U.S. Patent No. 6,538,764, in view of Kajita, U.S. Patent No. 6,069,706. Applicants respectfully traverse these rejections.

Claim 1 is directed to an image processing apparatus comprising, inter alia, a storage unit and judgment unit that judges whether or not image data is stored in the storage unit. If the image data is stored in the storage unit, an image processing unit performs image processing on the image data. Otherwise, the image processing unit performs image processing on image data acquired from an external apparatus.

According to claim 1, the image processing apparatus acquires the image data from the external apparatus using a “second data acquiring unit”. The second data acquiring unit acquires the image data “if the judgment unit judges negatively.” In other words, the second data acquiring unit acquires the image data from the external apparatus if the image data is *not* stored in the storage unit. The cited references, taken individually or in combination, fail to disclose a second data acquiring unit as claimed.

The Examiner compares the claimed second data acquiring unit with Ueda’s “second memory control means”. This comparison is improper for several reasons.

First, Ueda’s “second memory control means” does not acquire image data from an external apparatus as claimed. Rather, it merely “cause[s] the second conversion means to convert into image the intermediate code information of a band...*stored in the first storage area*, and to develop the image *into the second storage area*.” (See, Ueda, 3:63 – 4:4, emphasis added). In other words, Ueda’s second memory control means controls a data conversion on information *stored in the first storage area* before it is transferred *into the second storage area*. Accordingly, Ueda’s

second memory control means does not acquire data from an external apparatus, but rather it controls a data conversion performed on data acquired from the first storage area.

After Ueda's second memory control means controls the data conversion, a resulting image is stored into (not acquired from) the second storage area. Thus, even if Ueda's second storage area constituted an external apparatus (it doesn't), Ueda's second memory control means would still fail to disclose the claimed "second data acquiring unit that acquires the image data from the external apparatus," because image data is not *acquired from* the second storage area.

Because Ueda's "second memory control means" does not acquire image data from an external apparatus as claimed, the rejection of claim 1 should be withdrawn.

Second, Ueda's "second memory control means" does not acquire image data "if the judgment unit judges negatively", as claimed. To the contrary, Ueda's "second memory control means" only operates if Ueda's "first judging means" judges *positively*.

Ueda's "second memory control means" is "operative based on the result of the judgment performed by the first judging means". (See, Ueda, 3:65-66.) In particular, the second memory control means only operates if the first judging means judges that "intermediate code information...has been stored in the first storage area." (See, Ueda, 3:53-54.) If this judgment is positive, Ueda's "second memory control means" controls the conversion of the intermediate code information into image data, as discussed above.

Because Ueda's "second memory control means" does not acquire image data "if the judgment unit judges negatively", as claimed, the rejection of claim 1 should be withdrawn.

Independent claims 17 and 18 recite features similar to those discussed above in relation to claim 1 and are therefore allowable for reasons similar to those presented above. The remaining claims depend from claims 1 and are allowable at least based on their respective dependencies.

Claims 8 and 9 stand rejected under 35 USC 103(a) as being unpatentable over the combination of Ueda and Kajita, as applied to claim 1, and further in view of Iwazaki, U.S. Patent No. 6,687,742. Claim 16 stands rejected under 35 USC 103(a) as being unpatentable over Ueda and Kajita, as applied to claim 1, and further in view of Ogura, U.S. Patent No. 6,961,136.

The addition of Kajita, Iwazaki, and Ogura fails to cure the defects in Ueda, as identified above in relation to claim 1. Accordingly, claims 8, 9, and 16 are allowable at least based on their respective dependences.

In view of the foregoing, claims 1-18 overcome all outstanding rejections. Applicants respectfully request early allowance of claims 1-18.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 325772034700.

Dated: October 31, 2008

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